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ABSTRACT

This paper describes the current British education system as background to a discussion of implementation of the 1981 Education Act in Powys County, Wales. Special education within this system has traditionally occurred off-site of mainstream campuses. Generally, the Act defines special education, imposes on Local Education Authorities (LEAs) the duty to identify and assess the special needs of children, lays down precise procedures for assessment and reporting to parents, and directs the LEA to make available whatever educational support has been agreed upon. Such provision is subject to three conditions: being compatible with the child's special needs, involving no unreasonable expense, and not disrupting the education of other pupils. Apart from limited funding for inservice training, no government spending has been allocated for provision of these services. Development of special education in response to the Act within Powys County is employing a bottom-up model of change, using inservice training, progressive integration of pupils, and integration of providers in the regular program. Initial responses suggest positive outcomes of the program, especially parents' appreciation when their children can attend a neighborhood school. The issue of an adequate curriculum remains, particularly in special needs provision at the secondary level. (DHP)

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The British 1981 Education Act and its Implementation in a Rural County in Wales

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This paper seeks to share with American colleagues some initial experiences of the interpretation of the 1981 Education Act in a rural Welsh Local Education Authority.

The British Educational System

It might perhaps be helpful to give a very brief overview of mainstream education in Britain for colleagues who are not familiar with this.

Schools are divided between the State and Independent sectors. Independent sector schools are fee paying and are attended by about 6% of the school population. Their general influence tends to be stronger than this minority attendance would indicate however. From the special education point of view our interest in them will be negligible except to note that if we are considering the context of special education it will be necessary to remember that our more right wing governments, such as the one which we have had for the past ten years, tend to look to the model of academic excellence espoused by many of these schools for their exemplars of good practice.

The State school system attended by the majority of children is divided between primary and secondary sectors. The primary sector (ages 4/5y to 11y) has traditionally been the most progressive area of our educational system with child-centred methods. A visitor to a typical school would see the children engaged in relatively formal work in maths. and literacy skills in the mornings with the afternoons being given over to more active cross-curricular and project based activities. Critics maintain that this is too often disorganised and that standards in the "basics" suffer as a consequence.

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From the end of the last War until the mid-sixties, secondary education was divided between grammar and secondary modern schools. Admission to grammar schools was by a competitive examination taken by pupils at 11y with approximately 30% of children being selected. Over the last two decades however the 11+ examination has all but dissappeared and most secondary education now occurs in comprehensive schools which cater for all children between 11 and 18 years. Many children leave school at 16. Perhaps the main issue for colleagues in comprehensive schools has been to move away from what was in effect a watered-down grammar school academic curriculum towards more differentiated curricula to meet the needs of all pupils. Perhaps not surprisingly the most frequent criticism levelled at them has been that they aim too much for the middle ground and fail to meet the needs of the most and the least able. Our present Goverment has been especially critical of the failure of comprehensive schools to produce sufficiently qualified young people to meet the needs of industry.

Administration of the State System

At present State education is administered by some 50 Local Education Authorities (LEA's), roughly the equivalent of U.S. School Districts, whose boundaries generally co-incide with the Counties of England and Wales. These range in size from those with child populations of 150,000 or more down to very small LEA's such as Powys in mid-Wales with barely 20,000 children. For the time being these LEA's control most expenditure on education and much of the administration of such important functions as hire of personnel. Goverment power is exercised by the allocation of general and specific finances and by Her Majesty's Inspectors of Schools whose reports on individual schools and general educational issues carry considerable weight. Each school does have a managerial body of local people but until recently they have exercised only minimal power.

All this will soon change quite radically however and I will consider these changes in more detail later.

The Place of Special Education

Special education within the system noted above has occupied an essentially marginal position. By and large special education was seen as a process occuring off-site of mainstream campuses. This was frequently reinforced by the siting of special schools. In my own area, for example, our most recent special school building, an imaginatively designed school for children with severe learning difficulties has nontheless been sited on the very edge of town between an electricity sub-station and an abandoned canal. Isolated country houses have frequently been converted for special schooling. Even where special education has taken place

within a mainstream school, it is frequently to be found, with some difficulty, in the least accessible part of the school. The special class as cupboard under the stage or partitioned corridor end has been a familiar sight.

This low and marginal status has extended to those of us involved in special education. "Backward class: backward teacher" has been the jibe offered only partially in jest.

To set against this however has been a growing professionalism and confidence amongst special educators (inspired in part by the work and energy of our colleagues in the U.S.A.) As a growing range of developments in teaching techniques has been aquired it has been possible for special educators to take on the role of "expert". To some extent this has had disadvantages. Mainstream teachers have perceived this growing expertise as an indication of their own comparative lack of skill in supporting children with disabilities hence reinforcing once again the view of special education as a marginal issue, albeit occupying somwhat higher status than previously.

Such then was the background to the passing of the legislation a description of which comprises the main purpose of this paper.

The Warnock Report and the 1981 Education Act

In the mid seventies the Secretary of State for Education, then Margaret Thatcher, established a Royal Commission on Special Education under the chairmanship of Mary Warnock. The Report of this Commission, published in 1978, supplied the basis for the Act which followed it in 1981. Needless to say, the recommendations of the Warnock Committee were the subject of some considerable political negotiation prior to their translation into the Act. To save being unduly repetitious this paper will concentrate on the provisions of the Act noting the influence of the Warnock Committee recommendations as appropriate. American colleagues will note the timing of these events which paralleled but slightly followed the passing of U.S. Public Law 94-142.

The main provisions of the Act were as follows:

1. Definition of Special Education

The Act defines special education by reference to the special needs of individual children. Special education is said to be required if the child has a learning difficulty. A learning difficulty is defined as a difficulty with learning which is significantly greater than that ofthe majority of children of that age. Causal factors are not included in the definition except to exclude a learning difficulty due solely to a difference between the language of the home and the the language of instruction.

The concept of "special educational need" was one of the basic Warnock propositions. Hitherto assessment of disabled pupils was essentially aimed at their categorisation into diagnostic groups such as,"physically handicapped", "educationally sub-normal (mild or severe)" or "maladjusted". The Act specifically mandated that the assessment of a child was to be based upon an assessment of educational needs arising from a disability rather than on ascertainment of the disability itself.

This stands in direct contrast to the PL 94-142 provisions.

In fact the Warnock recommendations broadened definitions still further in that it was estimated that up to 20% of children would have a "special need" at some time within their school career. The effect of this new definition in terms of needs rather than categories has been quite salutary. As Selfe(1985) notes, while a "maladjusted" boy might be directed to a school for "maldjusted" pupils, "can we convincingly state that a boy with behavioural difficulties <u>needs</u> a single sex residential setting with fifty other boys with similar problems"

Exact interpretation of this definition has not been attempted by central Goverment and each LEA has had make its own decisions as to what should or should not count as special educational need. Interpretations have varied quite widely.

2. <u>The Duty to Identify and Assess</u>

The Act imposes on LEA's the duty to identify and assess the special needs of children, where necessary from two years of age (or younger if requested by parents). Managers of schools are charged with the duty of ensuring that their schools have adequate procedures to serve this function, and school medical officers (the community section of our N.H.S.) have the duty of notifying LEA's of pupils likely to have a special need.

The major shift here has been in the move away from legislation which gave permission for such activities to take place, to a mandatory activity.

3. <u>The Assessment Process; The Statement</u>

As with American legislation, the Act lays down very precise procedures for the assessment process. The initial stage is the gaining of parental permission for an assessment together with the preparation by parents of a report outlining their own views of their child's needs. This report is then sent to all professionals concerned with the child, who also submit written evidence. As a minimum these professional reports must include a medical report and reports by the educational psychologist and the child's teachers.

These views are summarised on a document termed the "draft" Statement which is sent to the parents together with copies of all professional reports. The parents are able to negotiate further over the contents of the Statement but once agreed the draft becomes the actual Statement for the child subject to annual review.

An important provision of the Act explicitly states that the assessment of the child and recommendations that follow are to be made independently of any consideration of the provision likely to be available.

The Statement is analagous to the IEP although in many cases American colleagues would find the usual Statement to be very much less detailed than the IEP.

The Statement is subject to appeal by parents to an LEA panel and ultimately to the Secretary of State for Education.

This appeal system has as yet been used only very infrequently and the U.K. educational system is generally very much less subject to litigation than would be the case in the U.S.A.(Stobart and Daly, 1985) To date the only major clarifiation of the Act made through legal process has been a judgement which has indicated that the inclusion of non-educational provision, speech therapy support in the case in question, on a child's Statement is valid.

American colleagues may also be interested to know that the time limitataions set down in the Act relate predominantly to the periods of time in which parents may raise objections at various stages in the process. There are no time limits set for the preparation of professional reports nor for the production of the full Statement. This has created opportunities for bureaucratic delay with parents sometimes waiting many months for their child's Statement.

4. Special Educational Provision: Integration

The Act directs that the LEA will make available to the child whatever special educational support has been agreed on the Statement. This in itself is a far clearer mandation of special provision than obtained through previous legislation.

The major shift however, one which parallels the U.S. emphasis on "least restrictive environment", is the requirement of the Act that such provision be made on an integrated basis subject to three conditions;

a. that such provision is compatible with meeting the child's special needs,

b. that no unreasonable expense is involved,
c. that such provision does not disrupt the education of other pupils.

It will cause no surprise that it is this requirement to integrate that has provoked most anticipation, concern and dissention.

It might be noted that the Warnock Committee had set down its own version of a least restrictive environment with its definition of "locational" (special education on the same site as mainstream but with only limited interaction of pupils), "social" (as for locational but more extensive and deliberate opportunities for social mixing) and "functional" (special education occuring temporally and spatially within a mainstream setting) forms of integration.

5. Resources

Other than the provision concerning the expense of integration noted above, the Act makes no mention of resources. As yet, the U.K. has no funding based on Average Daily Attendance as in the States and hence no parallel with additional ADA funding for disabled pupils. Indeed the preamble to the Parliamentary Bill which preceeded the Act specifically states that no significant additional expenditure was envisaged as a result of proposals made by the Bill. Apart from some limited funding for in-service training, no additional Goverment spending has been allocated in relation to the provisions of the Act.

Views on the issue of resources have varied considerably. Teaching unions have argued strongly for integration, but only in so far as it is supported by additional funding. Others have argued that a concentration on lack of resources has distracted attention from the main issues raised by the Act. (N.U.T., 1985)

While the respective legislation of the U.S.A. and the U.K. are similar in their intent to provide a more clearly structured basis for the education of disabled pupils and share moves towards mainstreaming/integration and greater involvement of parents. they differ in some important respects. These include their approaches to funding, the move away from categorisation of U.K. pupils, and the more important role of the judicial process in the American appeals procedure.

Some experiences in the implication of this legislation in a rural LEA will now be outlined.

Implementation of the 1981 Act: the Powys experience

Powys is a Welsh LEA and county some 40 miles wide and 100 miles long lying along much of the Welsh/English border. English is the majority language with Welsh being the home language of about 5% of our children. The county is predominantly given over to hill farming and forestry. Sheep outnumber people by a factor of 10 to 1. There are a number of small towns but none have a population greater than 7,000.

There are 13 high schools with from 450 to 1000 pupils and approximately 125 primary schools with numbers ranging from 20 to larger units of 200+ pupils.

Special education in the traditional sense takes place in two schools for children with severe learning difficulties, and two residential schools for children with moderate learning difficulties in association with familial/social problems. In addition there are several formal units for children with learning difficulties in mainstream primary schools and each high school has a remedial department staffed by 1 or 2 full-time teachers.

Four educational psychologists operate on an area basis and each is responsible for a team of 5/6 peripatetic remedial teachers who work in primary schools. A team of peripatetic specialists in the education of the deaf work in units and the whole system generally. There is no specialist provision for the visually handicapped. Pupils with major physical disabilities, and bright children with emotional difficulties have been placed in residential schools outside of the County although numbers involved are small.

The administrative arrangements for special education in Powys are made, in effect, by a small team comprising the four psychologists and an assistant director of education.

The factors which this group had to consider included;

a. a widely dispersed population
b. limited finacial resources, first because Powys is a minor LEA and secondly because the of prolonged cuts in real expenditure imposed by central goverment. This could be off-set, to some extent, by the contractual nature of the Statement which gave some scope for the LEA to provide additional resources to <u>individual</u> children
c. a stable and able teaching force albeit with only limited general expertise in special education
d. "pools" of special expertise "locked-up" in our special schools
e. a strong sense of community with schools generally being unwilling to see their pupils consigned to an institutional special educational setting
f. strongly polarised local views as to the merits of integration.

g. little clear research evidence as to the efficacy of different modes of special education delivery(Topping,1983)

With these factors in mind an early decision was made to use a "bottom-up" model of change; to let structural changes evolve rather than be imposed from above. This model carries with it a certain degree of re-assurance in terms of maintainance of the status quo but presents dangers of the effects of inertia particularly in a rural area with strong local traditions.

Essentially this model has lead to the development of a three-pronged strategy for the development of special education within the County.

a. In-service training. An initial in-service programme was established on a county basis to increase the awareness of all staff relating to special needs pupils and the effects of the 1981 Act. Subsequent in-service has been carefully targeted to consolidate the pools of expertise available to the LEA. In this way it was hoped to make maximum use of limited training funds. Thus in 1987 the main thrust has been the training of a cohort of remedial teachers in techniques to support pupils with a specific learning disability. Additionally in-service training has been given to teachers receiving a pupil with a particular disabilty into their class for the first time.

b. Progressive integration of pupils The letter and spirit of the Act have been carefully applied to each pupil newly assessed under its procedures. Every effort has been made to meet needs identified within a mainstream setting. This approach utilised the financial pragmatics of a situation where minor sums of money could be made available to support individual pupils but cash was not available for large scale LEA based initiatives. More importantly it was hoped that this approach would enable mainstream staff to aquire a positive experience (cf. Hellier,1988) of integration through being actively involved in the process. It was felt that mainstream staff with such "positive experiences" would be far better proponents of integration in the eyes of their peers than advisory or administrative colleagues.

c. Integration of provision The Warnock report emphasised that integration was a concept that could be applied to forms of special educational provision as well as to individual children. The Powys LEA thus entered into a process of discussion with special educators to consider how special schools, special units and remedial staff might develop ways of working which would bring them closer to mainstream colleagues.

It is difficult if not impossible to be categoric about outcomes at this stage of the experience. The following comments are thus impressionistic only.

In the case of individual children there have undoubtedly been examples of apparently successful integration of pupils who might otherwise have attended a special school. The writer has recently been involved with a very disabled spastic child who has entered his local primary school. This has been achieved by providing full-time ancilliary classroom support, physical aids, a computer system, physiotherapy support in school and in-service training for all teachers in the school. This is providing a very positive experience for all concerned, including the LEA auditor since even intensive support such as this is cheaper than special school placement.

Some success has also been achieved in the support of low to very low ability children within mainstream primary classrooms. The school-based special units have all switched their role from a sanctuary model for a small group of children in full-time attendance, to a supportive function for a larger group of children who are based in mainstream classes. Where appropriate for low or behaviourally difficult children the LEA has provided up to half-time non-teaching assistance.

Success of this sort has been facilitated by the integrated day and project based methods of the primary school. Aronson and Bridgeman (1979) refer to the "jig-saw" classroom with each pupil contributing to a class project at his or her own level. This fits well with the philosophy of many primary educators.

Factors which increase the likelyhood of success include the social skills of the child, and the availability to the mainstream class teacher of an "expert" special educator to confirm the validity of the programmes being offered. Given this support, mainstream teachers have appeared to value the opportunity to enhance their own skills through having a disabled pupil in their class. Some have also spontaneously commented on the fact that mainstream pupils have benefitted from the experience of having a disabled child in their class, modelling the care in contact with the pupil shown by the teacher and, in some cases, appearing to generalise this concern to their contact with their more able peers.

That parents value the opportunity to have their child in a neighbourhood school is undoubted. A recent small scale survey of parents in the writer's area revealed that the achievement of at least local integration for their children was a prime objective for all of them. As one parent of a Down's syndrome boy put it, "I just didn't want him to be that little boy with a funny face whom the other childen saw going off to special school in the mini-bus every morning." Most parents in this rural community

felt that they themselves were cut-off from much of the village social life of their peers if their children did not attend the local school, often the centre of much social life. These aspects appeared to weigh more heavily than educators' advice about an adequate curriculum for their child.

The issue of an adequate curriculum is however of major concern. Even where low ability pupils are successfully integrated socially there are doubts about the delivery of basic skill training to them. Concerns about the lack of structure in some primary schools were noted at the beginning of this paper. Mager (1972) would find plenty of "fuzzies" in our primary classrooms. Behavioural, objectives-based methods have had only minimal impact in U.K. classrooms. (This "fuzziness" would also extend to many of the Statements written and remains an obstacle to true accountability.)

In Powys, it is the staff of the special schools who have acted as chief guardians of this concern for the quality of the curriculum available for special needs children. They have been active in developing outreach support schemes which have had two aims. The first has been to provide social integration for their own pupils: the second to explore with mainstream colleagues ways of developing the curriculum to facilitate adaptability to meet the needs of disabled pupils.

Arguably it is the achievement of a common language of the curriculum that offers greatest hope for the future of an integrated educational service.

Certainly it is the issue of curriculum adaptability which has been especially responsible for the least successful area of development of special needs provision within Powys. Provision at secondary level remains much as it was before the passing of the Act. Special education at this level is seen as taking place within the remedial departments only. These usually comprise a heterogeneous mixture of up to 10% of pupils, selected generally because of their failure on basic tests of literacy. Within these departments children with diverse needs resulting from low ability, specific learning disability, or nuisance value in mainstream classes, are given the same undifferentiated diet which often consists heavily of basic literacy skills work and only a limited range of the much wider curriculum available to their peers. In defence of secondary colleagues it should be noted that they have been heavily involved in many areas of change including the introduction of substantial changes to the public examination system, so that energies available have been much diverted.

Such then has been the essence of experience within Powys. The

1981 Act has certainly stimulated much debate and forced educators to become more actively involved with the community. Initial evidence certainly indicates that a more thoughtful and considered approach to special educational provision has resulted. With regard to the requirement to integrate some index of success may be gained from figures for the writer's own school district where less than 0.5% pupils are currently placed in a setting which may be described as segregated ie. is geographically separated from a mainstream school. This stands in contrast to a national figure of approximately 1.5% (Swann, 1988)

The 1988 Education Act

While the 1981 Act has enabled special educators some purchase upon a sense of direction and purpose in the development of their services, the ground rules on which they have based much of their thinking are now less certain following the introduction of radical reforms to the British educational system. These reforms establish a National Curriculum proscribed by content and time allocation for subject areas. "Benchmarks" for achievement are to be established at various age levels and national testing of these established. The results of these tests are to be published, primarily to enable parents to make a more considered decision about the school which their child should attend. The responsibility of school managers are to be extended and parents given a stronger position on these managing bodies. Mangement of most of the school's budget will be transferred from the LEA to these managing bodies. Essentially, central goverment is hoping that educational standards will be raised by the application of the laws of the market-place to the schools.

Limited mention has been made of pupils with special needs in this legislation or the initial guidance from central goverment so far issued. The best that would appear to be on offer is the possibility that children may be exempt from parts of the National Curriculum, or from the requirement to meet the benchmarks of attainment levels established. More optomistically it has been argued (Davis, 1988) that if the National Curriculum is viewed as an "entitlement" curriculum for all pupils, this may facilitate the curricular developments which it has been suggested above are a requirement of furthering the process of integration.

Conclusions

Educators working in a rural setting have the diminishing experience in Western urban society of experiencing the provision of a service to the community as a discrete readily identifiable geographical and social entity. Opportunities exist for face-to face contact with most or all of the participants in the educational process. For the special educator there is the chance

to see their pupils as members of this community and with a value in it. In the writer's setting for example, it has been a frequent experience to make home-visits to children defined as low ability pupils in their school settings and to become aware of the refinement and efficiency of their contribution to lambing or haymaking.

It is difficult to avoid contrasting this perception with their relative failure in school.

The experience of implementing the 1981 Act has highlighted this dilemma further. It is being learned to view children as presenting needs which make it difficult for them to access the curriculum determined as relevant for the majority of pupils rather than as a member of a handicap category. The need is determined by the curriculum as much as by factors within the child. The experience of integrating individual children has reminded us of the contribution they are able to make, albeit in ways which are often difficult to quantify, and which may easily be dismissed as sentimental.

It is this community dimension which rural special educators are uniquely placed to offer our more urban colleagues.

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